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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,247	07/23/2001	ScotLund Stivers		4799

7590

07/27/2005

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EXAMINER

DUONG, THANH P

ART UNIT

PAPER NUMBER

1764

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/911,247

Applicant(s)

STIVERS, SCOTLUND

Examiner

Tom P. Duong

Art Unit

1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 3-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies no.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summ.
Paper No(s)/Ma
- 5) ☐ Notice of Informa
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election of Group I (claims 1-2 and 10-11) in the reply filed on 4/28/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-2 and 10-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, the recitation of "the use of a hot bed of carbon based..." is indefinite and inaccurate, since the claim does not set forth any steps involved in the method/process. It is unclear what method/process applicant is intending to encompass. In claim 2, the recitation of "the addition of alkali carbonate..." is indefinite and inaccurate, since the claim does not set forth any steps involved in the method/process. It is unclear what method/process applicant is intending to encompass. In claim 2, line 3, the exemplary claim language "such as" is indefinite and inaccurate because the intended scope of the claim is unclear. See

MPEP 2173.05 (d). In claim 10, the recitation of "the use of turbines, steam type engines, etc..." is indefinite and inaccurate, since the claim does not set forth any steps involved in the method/process. It is unclear what method/process applicant is intending to encompass. In claim 11, the recitation of "the use of gas producers and water gas..." is indefinite and inaccurate, since the claim does not set forth any steps involved in the method/process. It is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually involved. See MPEP 2173.05(q).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Anwer et al. (4,017,272). Anwer discloses the process for gasifying solid carbonaceous fuel containing material for the purpose of decomposing oxygen containing organic compounds, high molecular weight organic compounds, steam, nitrogen oxides, carbon dioxide, and other undesirable compounds and/or gases (page, 1, lines 40-64; page 3, lines 51-66; page 4, lines 16-62).

3. Claims 2 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Roberts (4,437,417). Regarding claim 2, Roberts discloses a partial oxidation of solid carbonaceous fuel (Col. 2, lines 47-67) with the addition of alkali carbonates, silicates, oxides, and/or hydroxides to fuels to lower the fusion point of ash (Col. 11, lines 39-46). With respect to the usefulness of the ash as a fertilizer, it is conventional to provide such ash as a fertilizer in the agricultural industry. Regarding claim 10, Roberts discloses the use of steam type engines (BFW 29) to recover energy from the hot gases coming from the gas producer (1) before the gases are drawn into the cooler/condenser (75 and 77) to take advantage of the hot gases with greater volume.

4. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Duplin et al. (2,948,948). Duplin discloses the addition of alkali carbonates, silicates, oxides, and/or hydroxides to fuels to lower fusion point of the ash (Abstract; Col. 3, lines 20-75; and Col. 4, lines 1-42). With respect to the usefulness of the ash as a fertilizer, it is conventional to provide such ash as a fertilizer in the agricultural industry.

5. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Habib (4,588,477). Habib discloses the use of a gas producers and water gas to sets to process trash, waste tires, rendering plant waste, and other types of wastes (Col. 1, lines 5-24).

6. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Martin (5,728,196). Martin discloses use of a gas producers (5) and water gas sets process trash, waste tires, rendering plant waste, and other types of waste (Col. 1, lines 5-15 and Figs. 1-2).

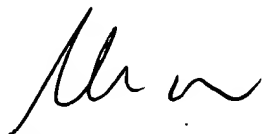
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P. Duong whose telephone number is (571) 272-2794. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tom Duong
July 15, 2005
TD Tb


Glenn Caldarola
Supervisory Patent Examiner
Technology Center 1700